

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GENERAL MOTORS LLC,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

Case No. 22-cv-02638

Judge Virginia M. Kendall

Magistrate Judge Young B. Kim

PRELIMINARY INJUNCTION ORDER AS TO CERTAIN DEFENDANTS

THIS CAUSE being before the Court on Plaintiff General Motor LLC’s (“Plaintiff” or “GM”) Motion for Entry of a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS GM’s Motion for Entry of a Preliminary Injunction in its entirety against certain Defendants identified in Schedule A attached hereto (the “Seller Aliases”).



THIS COURT HEREBY FINDS that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars, and have sold products using counterfeit and infringing versions of GM’s federally registered trademarks (“Buick Trademarks”) to residents of Illinois. A list of the GM Trademarks is included in the below chart.









Registration Number	Trademark	Class	Goods
647,618	BUICK	037	Maintenance and repair service for automotive vehicles, parts, and accessories;
860,907	BUICK	012	Automobiles and parts thereof;
1,668,926	BUICK	042	Automobile and truck dealership services;
1,681,928	BUICK	011	Flashlights;
1,682,097	BUICK	025	T-shirts, sweatshirts, shirts, caps, visors, and jackets;
1,683,678	BUICK	009	Remote keyless locking and entry systems for motor vehicles;
1,683,886	BUICK	028	Golf divot tools, golf tee holders, and golf club bags;
1,685,308	BUICK	016	Letter openers, playing cards, pens, and pencils;
1,685,358	BUICK	021	Mugs and glassware for beverages;
1,686,484	BUICK	024	Towels;
1,694,262	BUICK	014	Clocks and watches;
1,715,664	BUICK	016	Printed materials; namely, manuals, brochures, and catalogs pertaining to the features and controls,






			operation, maintenance, service and repair, and technical facts and specifications of motor vehicles;
1,727,606	BUICK	018	Umbrellas, tote bags, and duffel bags;
2,593,676	BUICK	009	Sunglasses, magnets, thermometers not for medical use; computer software for use in arcade games, hand held electronic games, computer games and computer screen savers; mouse pads; wrist rests; neon signs; calculators; and radios;
2,625,102	BUICK	006	Metal key chains, metal key fobs, metal key rings, metal keys, license plates made of metal, non-luminous and non-mechanical metal signs, money clips made of metal, ornamental replicas of vehicles made of metal, parking signs made of metal, street signs made of metal;
2,678,154	BUICK	020	Chairs, desk ornaments, namely, ornaments of plastic or wood, non-metal key chains, non-metal key fobs, non-metal key holders, non-metal key




			rings, non-metal key tags, non-metal license plates, plaques, plastic flags, and stools;
5,464,849	AVENIR	012	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans and structural parts thereof;
3,336,426	ENCLAVE	012	Motor land vehicles, namely, trucks and sport utility vehicles, engines therefor and structural parts thereof;
4,342,824	ENCORE	012	Motor land vehicles, namely, automobiles and sport utility vehicles, both for consumer use only and not for industrial or construction use and not including lift trucks, pallet trucks, towing tractors, fork lift trucks, platform lift trucks, special application lift trucks, or stock picker trucks;
4,308,089	GNX	006	Non-luminous and non-mechanical metal signs, metal key chains, metal license plates;
4,333,887	GNX	012	Badges for vehicles, fitted covers for vehicles, fender mats for vehicles, horn button inserts for vehicles, trunk liners

			for vehicles, caps for wheel rims;
4,333,889	GNX	020	Vinyl banners;
4,333,888	GNX	025	Clothing, namely, hats, t-shirts, jackets, sweat shirts, polo shirts;
4,333,886	GNX	027	Floor mats for automobiles;
4,275,405	GRAND NATIONAL	006	Non-luminous and non-mechanical metal signs, metal key chains, metal license plates;
4,275,368	GRAND NATIONAL	012	Badges for vehicles, fitted covers for vehicles, fender mats for vehicles, horn button inserts for vehicles, trunk liners for vehicles;
4,275,406	GRAND NATIONAL	020	Vinyl banners;
4,275,397	GRAND NATIONAL	025	Clothing, namely hats, t-shirts, jackets, sweat shirts, polo shirts;
4,275,355	GRAND NATIONAL	027	Floor mats for automobiles;
4,275,881	GSX	012	Upholstery for motor land passenger vehicles; Exterior and interior badges for motor land passenger vehicles;
4,275,882	GSX	016	Decals;
2,926,906	LACROSSE	012	Motor land vehicles, namely automobiles, trucks, sport utility vehicles, vans, engines therefor and structural parts thereof;
2,916,746	QUIETTUNING	012	Sound deadening system comprised of

			acoustical seals, acoustical patches, acoustical insulation, laminated glass, quiet tires, and an acoustically tuned exhaust system that reduces the level of engine noise, road noise, and wind noise experienced by the occupants of a motor vehicle;
931,090	REGAL	012	Automobiles;
2,693,400	REGAL	020	Non-metal key chains, non-metal key fobs, non-metal key holders, non-metal key rings, non-metal key tags, non-metal novelty license plates;
5,570,974	REGAL TOURX	012	Motor land vehicles, namely, automobiles;
5,082,334	RIVIERA	012	Badges for vehicles;
5,570,976	TOURX	012	Motor land vehicles, namely, automobiles;
511,603	BUICK	012	Automobiles and structural parts thereof;
1,559,739		012	Motor vehicles; namely, automobiles, engines therefor, and structural parts thereof;
1,668,925		042	Automobile and truck dealership services;

1,690,241		024	Towels;	
1,698,990		014	Clocks, cuff links, and tie tacks;	
1,706,535		011	Flashlights;	
1,706,960		028	Golf divot tools, golf tees, golf balls, and golf club bags;	
1,713,553		016	Pens, pen and pencil sets, and memo holders;	
1,720,322		020	Key fobs, not of metal;	
1,734,354		006	Money clips and key rings made of metal;	
1,741,359		021		Mugs;

1,790,402		018	Umbrellas, tote bags;
2,545,104		025	Caps, coats, dress shirts, golf shirts, hats, jackets, neckties, polo shirts, sunvisors, sweat shirts, sweaters, t-shirts;
2,567,517		016	Printed materials, namely, manuals, brochures and catalogs pertaining to the features and controls, operation, maintenance, service and repair and technical facts and specifications of motor vehicles;
2,625,101		006	Metal key chains, metal key fobs, metal key rings, metal keys, license plates made of metal, non-luminous and non-mechanical metal signs, money clips made of metal, ornamental replicas of vehicles made of metal, parking signs made of metal, street signs made of metal;
2,631,830		025	Clothing, namely, aprons, caps, coats, dress shirts, gloves, golf shirts, hats, jackets, neckties, polo shirts, rainwear, robes,

			scarves, shoes, shorts, sleep wear, sunvisors, sweat pants, sweat shirts, sweaters, t-shirts and vests;
2,740,351		020	Chairs; desk ornaments made of plastic or wood; non-metal key chains; non-metal key fobs; non-metal key holders; non-metal key rings; non-metal key tags; plastic novelty license plates; non-metal money clips; plastic name badges; plaques; plastic flags; stools;
1,473,052		012	Motor vehicles, namely automobiles;
1,487,116		037	Maintenance and repair services for automotive vehicles, parts and accessories;

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order (“TRO”) should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of GM’s previously granted Motion for Entry of a Temporary Restraining Order establishes that GM has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that GM will suffer irreparable harm if the injunction is not granted. Specifically, GM has demonstrated a *prima facie* case of trademark infringement because (1) the Buick Trademarks are distinctive marks and are

registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use any of the Buick Trademarks, and (3) Defendants' use of the Buick Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with GM. Furthermore, Defendants' continued and unauthorized use of the Buick Trademarks irreparably harms GM through diminished goodwill and brand confidence, damage to GM's reputation, and loss of exclusivity. Monetary damages fail to address such damage and, therefore, GM has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions. As such, this Court orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, and other persons acting in active concert or participation with them be preliminarily enjoined and restrained from:
 - a. using the Buick Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Buick product or not authorized by GM to be sold in connection with the Buick Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Buick product or any other product produced by GM, that is not GM's or not produced under the authorization, control or supervision of GM and approved by GM for sale under the Buick Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of GM, or are sponsored by, approved by, or otherwise connected with GM;
 - d. further infringing the Buick Trademarks and damaging GM's goodwill; and

- e. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for GM, nor authorized by GM to be sold or offered for sale, and which bear any of GM's trademarks, including the Buick Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof.
2. Upon GM's request, any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as eBay, Inc. ("eBay"), AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc. ("Amazon"), ContextLogic Inc. d/b/a Wish.com ("Wish.com"), Walmart, Inc. ("Walmart") and DHgate (collectively, the "Third Party Providers") shall, within seven (7) calendar days after receipt of such notice, provide to GM expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:
- a. the identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information and all associated e-mail addresses;
 - b. the nature of Defendants' operations and all associated sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplaces; and

- c. any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, Inc. (“PayPal”), eBay, Alipay, Alibaba, Ant Financial Services Group (“Ant Financial”), Amazon Pay, Wish.com, Walmart and DHgate, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
3. Upon GM’s request, those with notice of the injunction, including the Third Party Providers as defined in Paragraph 2, shall within seven (7) calendar days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the Buick Trademarks.
4. Defendants shall not transfer or dispose of any money or other Defendants’ assets in any of Defendants’ financial accounts.
5. Any Third Party Providers, including PayPal, eBay, Alipay, Alibaba, Ant Financial, Wish.com, Walmart, DHgate, and Amazon Pay, shall, within seven (7) calendar days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants’ Seller Aliases and Online Marketplaces, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto; and
 - b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants’ assets until further ordered by this Court.

6. GM is authorized to issue expedited written discovery to Defendants, pursuant to Federal Rules of Civil Procedure 33, 34 and 36, related to:
 - a. the identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information, including any and all associated e-mail addresses; and
 - b. the nature of Defendants' operations and all associated sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces.

GM is authorized to issue any such expedited discovery requests via e-mail. Defendants shall respond to any such discovery requests within three (3) business days of being served via e-mail.

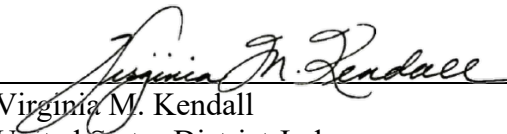
7. GM may provide notice of these proceedings to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Complaint, this Order and other relevant documents on a website and by sending an e-mail to Defendants that includes a link to said website. The Clerk of the Court is directed to issue a single original summons in the name of "The Partnerships and all other Defendants identified in the Complaint" that shall apply to all Defendants. The combination of providing notice via electronic publication and e-mail, along with any notice that Defendants receive from payment processors, shall constitute notice reasonably

calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.

8. Any Defendant or other persons that is subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and Northern District of Illinois Local Rules.
9. The \$10,000 bond posted by GM shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

IT IS SO ORDERED.

Dated: June 15, 2022



Virginia M. Kendall
United States District Judge

**General Motors LLC v. The Partnerships and Unincorporated Associations Identified on Schedule "A" -
Case No. 22-cv-02638**

Schedule A

Defendant Online Marketplaces		
No	URL	Name / Seller Alias
1	amazon.com/sp?seller=A31NOLYMLJS20S	RUISBO
2	amazon.com/sp?seller=A24OY1C0LTFMVU	RXF Auto Parts
3	amazon.com/sp?seller=ATRD9MG6X557G	RZ-CIV Company
4	amazon.com/sp?seller=AL8JV177CFZ6C	SHENG YAW
5	amazon.com/sp?seller=A6PZ54JCKEOVS	shenzhenshiqianshengmaoyiyouxiangongsi
6	amazon.com/sp?seller=A1TTAUCOWSQIZT	shenzhenwenqikejiyouxiangongsi
7	amazon.com/sp?seller=AR7Z0JCVBWFVL	SHUMEISHOP
8	amazon.com/sp?seller=A3FFWFFMZU78QN	SIMIONY
9	amazon.com/sp?seller=A1KXJ9EYXI581O	su heng qi che jiu yuan
10	amazon.com/sp?seller=A1SCNAQUBJ2ZNH	SUNKISSED LIGHTING
11	DISMISSED	DISMISSED
12	amazon.com/sp?seller=A185LZVQJULE7X	SUPER-AUTO
13	DISMISSED	DISMISSED
14	amazon.com/sp?seller=ATM2API6DDM16	THUMB
15	amazon.com/sp?seller=A38F0T4DFV7TNS	THXIAN AUTO
16	amazon.com/sp?seller=A262S0DPK7G8K3	Topbay
17	amazon.com/sp?seller=ADICCRUOGIITI	TOPOPT
18	amazon.com/sp?seller=A1LC99AYIX4JBR	TPAP Direct
19	amazon.com/sp?seller=A3SYD8DFJV9J94	Tsoiuoau
20	amazon.com/sp?seller=A3HVPV6H7DCX60	ViajeroDirect
21	amazon.com/sp?seller=A1MN075GS50Q0O	wang11
22	amazon.com/sp?seller=A9AN5JVYMLROG	WILLlucm
23	amazon.com/sp?seller=AI09T1BKQFZ5O	Windowdoor
24	amazon.com/sp?seller=A11MJWMJ127WWE	XIANGCHENGSHIBINGMEIRIYONGBAIHUODIAN
25	amazon.com/sp?seller=AN7RKLO174M9	Xinchen store
26	amazon.com/sp?seller=A20SM7LKGPH21R	XJHXS
27	amazon.com/sp?seller=A1VIYCGSZ35Y7D	yangxi778
28	amazon.com/sp?seller=AOAKQQD5SC91Y	yrqqq
29	amazon.com/sp?seller=A2FSG5NZ3KI859	YUNTIANBH
30	amazon.com/sp?seller=A2F62SF9JBQR1I	zhaoyinstore
31	amazon.com/sp?seller=A1NWUOC0J7ON36	Blazeray
32	amazon.com/sp?seller=A39RJ5OJRRY85Q	EcoAuto Dealer
33	amazon.com/sp?seller=A3SFK23HGBNZKF	GUANGZHOUKUANTE

34	amazon.com/sp?seller=A2XS72UZ1RYHXN	Jame4 Trading
35	amazon.com/sp?seller=ADMTUDRILIZ8E	Kwen
36	amazon.com/sp?seller=A2K0NDFG5U9MY0	MXTAWM
37	amazon.com/sp?seller=A300PGRUX0NM1H	Shenzhen Xinghaoyun Trading Co., Ltd
38	amazon.com/sp?seller=A1QRGFXDDERTZ2	SUIKKL
39	amazon.com/sp?seller=AJJXOKB5MD7AQ	WJY Direct
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